

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ASTRONICS ELECTRONIC
SYSTEMS CORP.,

Petitioner,

v.

MAGICALL, INC.,

Respondent.

C22-0729 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The deferred portion of petitioner's motion for contempt sanctions, docket no. 38, is DENIED. The Court finds that respondent has substantially complied with the Minute Order entered October 3, 2022, docket no. 36. According to the parties' Joint Status Report,¹ docket no. 48, after the "meet and confer" on January 19, 2022, two issues on "List 1," and twelve issues on "List 2," remained unresolved.

(a) With regard to List 1, petitioner's request for contact information for respondent's subcontractor Wuxi Bewell International ("Wuxi") is inconsistent with the terms of the Master Purchase Agreement ("MPA"). *See* Ex. B to Bicks Decl. (docket no. 2-2 at 14–15). Respondent shall provide Wuxi's contact information to petitioner on the date that the MPA is terminated. Each party shall pay fifty percent (50%) of the costs associated with a third-party vendor's copying of the "fielded pedigree" information.

¹ A substantial portion of the Joint Status Report is devoted to the issue of a "last buy," which is not a matter presently before the Court.

1 (b) With regard to the remaining twelve disputed items on List 2,
2 respondent has no obligation to transfer to petitioner documents that were not
3 produced or acquired in connection with the 1424 Starter Generator Unit (“SGU”).
4 *See* Order (docket no. 17); Amended Final Award at 9 (docket no. 2-1). To the
5 extent the parties disagree about whether a particular document was “produced or
6 acquired in connection with the 1424 SGU,” the issue is more appropriately
7 addressed by the arbitrator. In addition, respondent is not required to provide free
8 consulting to petitioner, and the Court will not hold respondent in contempt for not
9 answering petitioner’s numerous technical questions. The Court, however,
10 encourages the parties to continue their dialogue concerning the outstanding items
11 on List 2 and to work cooperatively and professionally to “achieve as smooth as
12 transition as possible.” Amended Final Award at 10 (docket no. 2-1).

13 (c) Petitioner having not prevailed on its motion, it is not entitled to any
14 attorney’s fees or costs.

15 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
16 record.

17 Dated this 23rd day of February, 2023.

18 Ravi Subramanian
19 Clerk

20 s/Laurie Cuaresma
21 Deputy Clerk